| 1<br>2<br>3<br>4<br>5<br>6 | RONALD J. TENPAS, Assistant Attorney General JEAN E. WILLIAMS, Section Chief LAWSON E. FITE, Trial Attorney (Oregon Bar No. 05557) U.S. Department of Justice Environment & Natural Resources Division Wildlife & Marine Resources Section Ben Franklin Station P.O. Box 7369 Washington, DC 20044-7369 Phone: (202) 305-0217 Fax: (202) 305-0275 |  |
|----------------------------|---|--|
| 7 8                        | Email: lawson.fite@usdoj.gov  Attorneys for Defendants  |  |
| 9                          |   |  |
| 10                         | IN THE UNITED STATES DISTRICT COURT   |  |
| 11                         | FOR THE NORTHERN DISTRICT OF CALIFORNIA   |  |
| 12                         | SAN FRANCISCO DIVISION  |  |
| 13                         |   |  |
| 14<br>15<br>16             | CENTER FOR BIOLOGICAL DIVERSITY and TURTLE ISLAND RESTORATION NETWORK,  Plaintiffs,  No. C 07-5109 PJH  STIPULATION AND PROPOSED ORDER CONTINUING INITIAL CASE  |  |
| 17                         | v. MANAGEMENT CONFERENCE  |  |
| 18<br>19<br>20<br>21       | DIRK KEMPTHORNE, Secretary of the United States Department of the Interior, and the UNITED STATES FISH AND WILDLIFE SERVICE,  Defendants.   |  |
| 22                         |   |  |
| 23                         | Pursuant to Civil L.R. 6-2 and 7-12, this Stipulation is entered into by and between Plaintiffs,  |  |
| 24                         | Center for Biological Diversity and Turtle Island Restoration Network, and Defendants, Dirk   |  |
| 25                         | Kempthorne, Secretary of the United States Department of the Interior, and H. Dale Hall, Director   |  |
| 26                         | of the United States Fish and Wildlife Service.   |  |
| 27                         | WHEREAS, on October 4, 2007, Plaintiffs filed a Complaint for Declaratory and Injunctive  |  |
| 28                         | Relief pursuant to the Administrative Procedure Act, 5 U.S.C. §§ 701-706, and the Marine Mammal   |  |
|                            | Protection Act, 16 U.S.C. §§ 1361-1421h;  |  |
|                            |   |  |

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WHEREAS, the Initial Case Management Conference in this matter is currently set for April 3, 2008, at 2:30 p.m.;

WHEREAS, continuing discussions between the Parties as to settlement of this litigation have proven productive;

WHEREAS, the Parties believe they have reached an agreement in principle at the staff level on the terms and language of a settlement;

WHEREAS, the determination to enter into any settlement, and on what terms, is ultimately subject to the review and approval of the appropriate supervisory officials at the Department of Justice and the Department of the Interior, and Federal Defendants need additional time to obtain the necessary review and approval for the proposed settlement;

WHEREAS, the Initial Case Management Conference has previously been continued three times, on stipulation, and the continuances total 75 days;

NOW, THEREFORE, the parties hereby Stipulate and Agree as follows:

- A further two-week continuance of the Initial Case Management Conference is necessary
  to allow sufficient time for review of the proposed settlement by the appropriate supervisory
  officials at the Department of Justice and the Department of the Interior.
- 2. The Initial Case Management Conference shall be continued to April 17, 2008, at 2:30 p.m.

Dated: March 27, 2008 Respectfully Submitted,

/s/ Miyoko Sakashita

Miyoko Sakashita CENTER FOR BIOLOGICAL DIVERSITY

1095 Market Street, Suite 511 San Francisco, CA 94103 Phone: (415) 436-9682 Facsimile: (415) 436-9683

Email: miyoko@biologicaldiversity.org

Attorney for Plaintiffs

RONALD J. TENPAS, Asst. Attorney General

No. C 07-5109 PJH Joint Stipulation Continuing Initial Case Management Conference

## JEAN E. WILLIAMS, Section Chief

/s/ Lawson E. Fite

LAWSON E. FITE,

Trial Attorney (Oregon Bar No. 05557)

U.S. Department of Justice

Environment & Natural Resources Division

Wildlife & Marine Resources Section

Ben Franklin Station

P.O. Box 7369

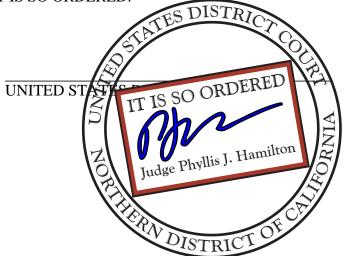
Washington, DC 20044-7369 Phone: (202) 305-0217

Fax: (202) 305-0275

Email: lawson.fite@usdoj.gov

Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED.



No. C 07-5109 PJH

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## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION

| CENTER FOR BIOLOGICAL DIVERSITY, | )                      |
|----------------------------------|------------------------|
| Plaintiff,<br>v.                 | ) No. C 07-05109 PJH   |
|                                  | CERTIFICATE OF SERVICE |
| DIRK KEMPTHORNE, et al.,         | )                      |
| Defendants.                      | )                      |
|                                  | )                      |

I hereby certify that on March 27, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Lawson E. Fite LAWSON E. FITE

Case No. C 07-5109 PJH
Certificate of Service